

Puget Sound Air Pollution Control Agency

110 Union Street, Suite 500

Seattle, WA 98101

(206) 343-8800 ♦ (800) 552-3565 ♦ FAX: (206) 343-7522

Company Name:

Ash Grove Cement

Attention:

Ken Bone

Address:

FAX #:

623-5355

Subject:

Draft Consent Order

Comments:

*Sory, I sent it Friday to the
wrong fax number.*

Sent By:

Janet

Today's Date:

7/7/93

Number of pages including this cover sheet:

2

Anita J. Frankel, Air Pollution Control Officer

BOARD OF DIRECTORS

CHAIRMAN: Win Grantlund, Commissioner, Kitsap County

Vice Chairman: Tim Hill, King County Executive

Peter Hurley, Councilman, Snohomish County

Pete Kinch, Mayor Everett

Janet Chalupnik, Member at Large

Louis Mentor, Mayor, Bremerton

Norm Rice, Mayor, Seattle

Doug Sutherland, Pierce County Executive

Karen Vialle, Mayor, Tacoma

PUGET SOUND AIR POLLUTION CONTROL AGENCY

VS

ASH GROVE CEMENT

DRAFT
ASSURANCE
OF
DISCONTINUANCE
AGREEMENT

WHEREAS, the Puget Sound Air Pollution Control Agency ("PSAPCA") is a multi-county air pollution control authority created under RCW 70.94 and has adopted Regulations I, II and III, which establish air pollution control rules within the four counties of King, Pierce, Snohomish and Kitsap, and has authority to accept an Assurance of Discontinuance pursuant to RCW 70.94.435, and

WHEREAS, Ash Grove Cement Company ("Ash Grove") operates a cement plant located at 3801 East Marginal Way South, Seattle, Washington 98134 under PSAPCA Order of Approval No. 3575; and

WHEREAS, continuous emission monitors for opacity, carbon monoxide, sulfur dioxide and nitrogen oxides were required to be certified by April 29, 1993; and

WHEREAS, PSAPCA has issued NOV No. 28893 dated May 7, 1993 to Ash Grove for failure to certify the continuous emission monitoring system by April 29, 1993; and

this was the one which note said was due to failure to include CO monitor on the timeline.

NOW THEREFORE, the parties enter into this Assurance of Discontinuance, pursuant to RCW 70.94.435 to resolve Notice of Violation No. 28893, and Ash Grove and PSAPCA agree to take these additional reasonable and necessary steps as set forth herein:

(1) Ash Grove agrees to certify the opacity, carbon monoxide, sulfur dioxide, and nitrogen dioxide continuous emission monitoring system in accordance with the requirements of Order of Approval No. 3382 by November 1, 1993; and

(2) Ash Grove agrees to pay PSAPCA a civil penalty of \$1,000 for each uncertified monitoring system for each day the Ash Grove cement kiln was or is operated from May 1, 1993 until November 1, 1993 or until the monitoring system is certified, whichever is sooner. All such penalties shall be submitted to PSAPCA with each monthly monitoring report, except that the penalties for May 1993 shall be submitted with the June 1993 monthly monitoring report; and

(3) Ash Grove agrees to pay PSAPCA an additional civil penalty of \$1,000 for each uncertified monitoring system for each day Ash Grove's cement kiln was or is operated between May 1, 1993 and November 1, 1993 if the monitoring system is not certified by November 1, 1993. Any such penalty shall be paid by December 1, 1993.

THE PARTIES HERETO each have been represented by their own attorneys and are fully advised in the premises as to their respective legal and constitutional rights as they relate to the terms and conditions hereof and accept the conditions for and on behalf of their respective parties as set forth herein above.